



NEW MEXICO
ENVIRONMENT DEPARTMENT
Ground Water Quality Bureau



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RON CURRY
Secretary
JON GOLDSTEIN
Deputy Secretary

June 9, 2009

RE: Cancellation of Permittee Meetings, Dairy Discharge Regulation Development

Dear Interested Person:

The New Mexico Environment Department recently informed you of meetings scheduled by the Department concerning a discussion draft of proposed regulations for discharges from dairy facilities. These meetings were scheduled for June 2 in Portales, June 15 in Roswell, and June 16 in Mesquite, with all meetings beginning at noon and ending at 3 PM. These meetings were planned for the purpose of providing dairy owners with information on the regulatory process for developing dairy regulations, and obtaining input and feedback from current holders of dairy Discharge Permits on the initial discussion draft of the proposed regulations.

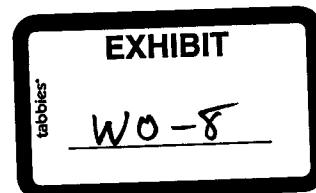
On June 5, 2009 representatives of the Dairy Industry Group for a Cleaner Environment (DIGCE), acting on behalf of all dairy owners in New Mexico, requested that the permittee meetings scheduled by the Department be cancelled. Therefore, the Department has cancelled the remaining permittee meetings that were to be held in Roswell on June 15 and Mesquite on June 16. Public meetings providing information on the discussion draft of the proposed dairy regulations will continue to be held as planned on June 15 in Roswell, June 16 in Mesquite, and June 23 in Los Lunas from 6 PM to 8:30 PM. NMED invites all dairy owners to attend these public meetings for information on the regulatory process for developing specific discharge regulations for dairy facilities and to provide input and feedback on the initial discussion draft of the proposed regulations. Alternately, NMED welcomes any written comments you may have. Please see the back of this letter for further information on the public meetings, the availability of the initial discussion draft of dairy regulations, and the submission of written comments.

NMED looks forward to working with you in developing dairy regulations for your facilities.

Sincerely,

William C. Olson
Chief
Ground Water Quality Bureau

Cc: Ron Curry, Secretary, NMED
Tracy Hughes, General Counsel, NMED
Marcy Leavitt, Director, Water and Waste Management Division, NMED
Walter Bradley
Sharon Lombardi
Alva Carter Jr., DIGCE



DIGCE STATEMENT

My name is ISAAC BOS, and I am a representative of the Dairy Industry Group for a Cleaner Environment or "DIGCE" for short. DIGCE is a cooperative effort between the Dairy Farmers of America, Dairy Producers of New Mexico, and a whole host of dairy producers from across the state who are concerned about the successful implementation of dairy regulations that have arisen as a result of Senate Bill 206 from the 2009 Regular Session.

On behalf of DIGCE, I have been asked to make some statements regarding the public meetings and permittee meetings being conducted by the New Mexico Environment Department (NMED). DIGCE has several concerns regarding the legality of such meetings. In addition, DIGCE has a number of practical concerns regarding these meetings. One of these practical concerns includes the fact that it will take at least a couple of months to properly analyze NMED's extensive regulatory proposal in order to ensure that best available scientific information supports the draft regulations. In other words, the rush to regulate should not overshadow the need to get the right regulatory result.

Therefore, at this time, DIGCE and its affiliated dairies and associational interests have decided not to participate in NMED's premature efforts to implement Senate Bill 206. DIGCE is hopeful that NMED will work with the dairy industry to develop a fair and transparent regulatory process. Finally, DIGCE respectfully requests that NMED enter this statement into the administrative record before the Water Quality Control Commission when the formal rulemaking proceedings commence before that administrative body.

If any interested parties have specific questions regarding these statements, DIGCE respectfully requests that you contact its attorneys for additional information. DIGCE's attorneys include T.J. Trujillo and Dal Moellenberg with Gallagher & Kennedy, P.A., and they may be telephonically contacted at (505) 982-9523.

Comments handed in dairy Hobbs Pub. & Mfg. June 1, 2009

DIGCE STATEMENT

My name is Alva Carter, Jr, and I am a representative of the Dairy Industry Group for a Cleaner Environment or "DIGCE" for short. DIGCE is a cooperative effort between the Dairy Farmers of America, Dairy Producers of New Mexico, and a whole host of dairy producers from across the state who are concerned about the successful implementation of dairy regulations that have arisen as a result of Senate Bill 206 from the 2009 Regular Session.

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Provided during Public mtg - Portales, NM June 2, 2009



New Mexico Environment Department

PROTECTING OUR ENVIRONMENT, PRESERVING THE ENCHANTMENT

Ground Water Quality Bureau

Public Meetings on Draft Dairy Wastewater Discharge Regulations

Legislation passed by the New Mexico Legislature during the 2009 regular legislative session and signed by Governor Bill Richardson requires the adoption of dairy wastewater discharge regulations by the New Mexico Water Quality Control Commission (WQCC). The New Mexico Environment Department (NMED) is the constituent agency to the WQCC that is responsible for implementing regulations promulgated by the WQCC.

A discussion draft of the proposed regulations has been developed by the NMED. A copy of the draft regulations is available at:

<http://www.nmenv.state.nm.us/gwb/documents/DairyRegs.pdf>

NMED has scheduled several public meetings to receive feedback and public input concerning these draft regulations. All public meetings will be held from 6:00 pm to 8:30 pm. Public meetings are scheduled for the following locations:

- Hobbs - June 1, 2009
 - NM Junior College, Training and Outreach Facility, Room 122A
- Portales - June 2, 2009
 - City of Portales Memorial Building, 200 E. 7th Street
- Roswell - June 15, 2009
 - Roswell Convention and Civic Center, 912 N. Main Street
- Mesquite - June 16, 2009
 - Del Cerro Multipurpose Center, 180 La Fe Avenue
- Los Lunas - June 23, 2009
 - Los Lunas Campus, Building A, 1000 Main Street

In addition to comments provided at the public meetings, written comments on the draft regulations may be submitted to the NMED by e-mail at dairy.regs@state.nm.us or mailed to the NMED at the address provided below. Written comments must be submitted no later than July 2, 2009. The NMED anticipates that a revised draft of the proposed regulations will be developed no later than August 2009; a hearing before the WQCC on the proposed regulations is expected to be held in November 2009.

Persons requiring assistance to participate in public meetings should contact Judy Bentley, NMED, at (505) 827-9872 two weeks prior to the meeting date. TDY users should contact Ms. Bentley through the New Mexico Relay Network at 1-800-659-8331.